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		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
APPLICATION NO.	FILING DATE	Thomas Antonsson	3764-94	4315
	04/23/2001 590 04/19/2005 ANDERHYE P.C.	Homas inches	EXAMINER BARTS, SAMUEL A	
8th Floor			ART UNIT	PAPER NUMBER
1100 North Gle	ebe Road		1621	
Arlington, VA	22201		DATE MAILED: 04/19/200	)5

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
· -	09/839,609	ANTONSSON, THOMAS
Office Action Summary	Examiner	Art Unit
•	Samuel A. Barts	1621
The MAILING DATE of this communication app		with the correspondence address
Period for Reply		
A SHORTENED STATUTORY PERIOD FOR REPL' THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period of - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may y within the statutory minimum of t will apply and will expire SIX (6) M	a reply be timely filed thirty (30) days will be considered timely. ONTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on <u>01 A</u>	ugust 2002.	
2a\☐ This action is <b>FINAL</b> 2b)⊠ This	s action is non-final.	
3) Since this application is in condition for allowa	nce except for formal m	atters, prosecution as to the merits is
closed in accordance with the practice under	<i>⊆x parte Quayle</i> , 1935 C	C.D. 11, 453 O.G. 213.
Disposition of Claims		
•	nlication	
4) Claim(s) 1.2 and 4-34 is/are pending in the ap	plication. wn from consideration.	
4a) Of the above claim(s) <u>28-34</u> is/are withdra	WIT HOTH CONSIGERATION.	
5) Claim(s) is/are allowed. 6) Claim(s) <u>1,2 and 4-27</u> is/are rejected.		
7) Claim(s) is/are objected to.		
8) Claim(s) are subject to restriction and/	or election requirement.	
Olami(s) are subject to recurrent	•	
Application Papers		
9)☐ The specification is objected to by the Examin	er.	
10)☐ The drawing(s) filed on is/are: a)☐ ac	cepted or b)□ objected	to by the Examiner.
Applicant may not request that any objection to the	e drawing(s) be held in abe	eyance. See 37 CFR 1.65(a).
Replacement drawing sheet(s) including the correct	ction is required if the draw	ring(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the E	Examiner. Note the attac	:nea Office Action of Ioffire 10-132.
Priority under 35 U.S.C. § 119		
12) ☐ Acknowledgment is made of a claim for foreig	n priority under 35 U.S.	C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:		
1. Certified copies of the priority documer	nts have been received.	
2 Certified copies of the priority documer	nts have been received	in Application No
3. Copies of the certified copies of the pri	ority documents have b	een received in this National Stage
application from the International Bure	au (PCT Rule 17.2(a)).	
* See the attached detailed Office action for a list	st of the certified copies	not received.
Attachment(s)	A) M Intern	riew Summary (PTO-413)
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper	r No(s)/Mail Date. <u>8/1/02</u> .
Notice of Dratisperson's Facini Crowing Notice of PTO/SB/0      Information Disclosure Statement(s) (PTO-1449 or PTO/SB/0      Proof No(s)/Mail Date	(8) 5) ☐ Notice 6) ☐ Other	e of Informal Patent Application (PTO-152)

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#### DETAILED ACTION

#### Claim Objections

1. Claims 4, 6, 11, and 17 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Applicant defines certain variables broader than the definition of said variables in the base claim. For example in claim 4 and 17, R1=R4. This requirement is broader than the definition of R1 in claim 1. Also in claim 6, R3 is optionally not present. This option was not defined in claim 1. Therefore, it is broader than claim 1. Also see claim 11 wherein R2=R4

### Claim Rejections - 35 USC § 112

- 2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

  The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 3. Claims 1-2 and 4-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Parentheses, which are nested throughout claim 1, render the claim confusing because it is unclear whether or not the subject matter enclosed by the parentheses is a required limitation.

  Appropriate correction is required.

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## Double Patenting

4. Applicant is advised that should claim 1 be found allowable, claims 24-27 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). All these claims are directed to the same claimed compounds recited in claim 1 and pharmaceutically acceptable salts thereof.

# Allowable Subject Matter

5. Claims 1-2, and 4-27 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel A. Barts whose telephone number is 571-272-2870. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Samuel A Barts Primary Examiner Art Unit 1621

SB